

**BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF APPEALS AND INTERFERENCES**

First Named Inventor	:	Bran FERREN
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Examiner	:	Brian J. Broadhead
Title	:	MODULAR VEHICLE
Attorney Docket No.	:	APPL0031

July 14, 2008

MAIL STOP: REPLY BRIEF - PATENTS
Honorable Commissioner of Patents & Trademarks
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REPLY BRIEF

Appellant's Reply brief follows.

STATUS OF CLAIMS

The status of the claims is as follows:

Claims 1, 3-6, 8, 14-16, 18 are rejected. Each of these claims is on appeal.

Claims 2, 7, 9-13 and 17 are cancelled.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds for rejection are to be reviewed on appeal:

1. Whether the subject matter of Claims 1, 3-6, 8, and 14 is unpatentable under 35 U.S.C. 103(a) over Kempen *et al* (USPN 6,421,593) in view of Jacob (USPN 6,547,506).

2. Whether Claims 15, 16, and 18 are unpatentable under 35 U.S. C. 103(a) over Kempen *et al* (USPN 6,421,593) in view of Glatzmeier *et al* (USPN 5,785,372).

ARGUMENT

Appellant respectfully replies to the Examiner's answer brief as follows:

In connection with the following reply, Appellant directs the Board to Appellant's claim language, which is really at issue here in determining the propriety of the Examiner's rejection in view of prior art. Any pertinent remarks of the Examiner in the Answer appear on pages 7-9 thereof.

The Examiner dwells on the notion that Kempen provides what are considered to be "modules," that these "modules" may be different from each other, and that the chassis that Kempen teaches may receive different ones of these "modules". Appellant has never disputed that Kempen allows interchangeable truck bodies on the chassis. Appellant has sought to explain to the Examiner what is plainly claimed in Appellant's claims, for example, Claim 1, which states: "Each [said module's size] is a standardized fraction of the total area of said platform."

Appellant also notes that the modular vehicle requires: "At least two modules, each module providing a unique function, each module comprising a standardized fraction of the total area of said platform, said modules when affixed to said platform comprising in combination a vehicle suited for particular use, said modules having in combination an area totalling no more than the area of said platform . . ."

Accordingly, Appellant has not claimed a single body that may be placed on truck chassis, or even a series of different bodies, each one of which may be placed on truck chassis. Rather, Appellant is claiming modules that are a standardized fraction of the total area of a platform in a system, where the platform receives at least two of such modules. By no stretch of the imagination does Kempen suggest this. The bodies in Kempen are not a fraction of the total area of the chassis but, rather, equal to the area of the chassis of Kempen. Further, there is no notion in Kempen that multiple modules have a standardized fraction of the total area of the platform and can be combined on a vehicle to dedicate the

vehicle to particular use. At best, Kempen teaches a technique that embodies the problem that the Appellant's invention has addressed. That is, that it is only known to have interchangeable truck bodies.

The Examiner states the Appellant has attacked the references individually. Appellant has done nothing of the sort. However, it is incumbent upon the Examiner to find among the proposed combination each and every element of the claimed invention. The Appellant is permitted to point out to the Examiner that the proposed combination fails to teach the invention. Clearly that is the case here.

Continuing on Page 7 of the Examiner's answer, Appellant does not understand the Examiner's point that the fact that the fixation points in the invention are different from those of the reference somehow or another amounts to attacking the references individually. However, Appellant thanks the Examiner for admitting that Kempen does not teach attachment points for multiple modules. The Examiner states that the secondary reference (Jacob) teaches multiple modules. The Examiner gives this point short shrift. As Appellant pointed out in previous submissions, the Examiner has misstated Appellant's argument and Appellant's claim language. Appellant points out that in Kempen, where a single "module" is possible, and there is no other possibility, it is only necessary to provide a single set of connectors, as taught in Kempen at column 28, line 67. Appellant has claimed a "plurality of fixation sites along said platform, said fixation sites comprising standardized interconnection means" The Examiner has seized upon the fact that Appellant has crafted the claim in such a manner that the interconnection means can be any of "mechanical, electrical, and fluid connection . . ." interconnection means. However, it is disingenuous of the Examiner to indicate that the Appellant's argument mischaracterizes Appellant's claims. It is clear in Kempen that this is not necessary because Kempen does not require interconnection to a plurality of modules where "each module comprises a standardized fraction of the total area of said platform."

The modules described in Hawelka are inert equipment racks fitted into the body of the vehicle, which can be changed out for other racks. The racks are not affixed to a

platform and are not sized as a standardized fraction of the platform, as claimed by Appellant. There are no electrical or fluid interconnections to these racks. The attachment mechanism is entirely in the fixed body of the vehicle, attaching to pins or an axle on each module.

The combination of Kempen and Glatzmeier does not teach multiple modules. As noted above, Kempen only teaches replacement of the entire vehicle body. While the Examiner makes note of the teachings of Jacob and characterizes Jacob as disclosing modules that can connect with a vacuum pump, vacuum tank, and backhoe, the Examiner's citation at column 3, lines 32-37 belies the teaching the Examiner asserts Jacob provides. Jacob actually states, at line 27, "a substitute truck body SB can then be mounted on and attached to the slide plate (72) and hydraulically locked thereon, thus allowing the chassis (70) to be used with a different truck body, such as a garbage truck body." This preamble to the Examiner's citation makes it clear that the teaching of Jacob adds nothing to Kempen, which, as noted above, is highly deficient in teaching the claimed combination. As for the vacuum pump, vacuum tank, and backhoe, these are mounted to a slide plate of an interchangeable body in Jacob. Appellant does not understand how this has anything to do with Appellant's plain and unequivocal teaching of "at least two modules, each module providing unique function, each module comprising a standardized fraction of the total area of said platform . . ."

Appellant also notes that the Examiner's reliance on Jacob and Kempen ignores the requirement for a "control and communication protocol."

Finally, the Examiner cites Glatzmeier as providing fixation sites via a box structure. However, the "modules" cited by the Examiner do not, in any sense, comprise part of the vehicle platform. Rather, they are mounted to permanent compartments that are themselves attached to a box structure.

In view of the foregoing, and with reference to Appellant's brief and the record herein, Appellant respectfully submits that the Examiner is in error in regarding the cited references as teaching the claimed invention. At the very least, substantial elements of the claimed invention are not shown anywhere in any of the references, either alone or in combination. Further, there is nowhere a teaching or suggestion that the references could be combined. As such, there is nothing to motivate a person skilled in the art to combine the references as asserted by the Examiner.

Accordingly, Appellant respectfully requests that the Board favorably receive Appellant's remarks and reverse the Examiner's holdings.

The Commissioner is authorized to charge any additional fees or credit any overpayments to Glenn Patent Group Deposit Account 07-1445 (Order No.: APPL0031).

Respectfully submitted,



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